

AMENDED IN SENATE AUGUST 22, 2000

AMENDED IN SENATE JUNE 7, 2000

AMENDED IN ASSEMBLY APRIL 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2659

Introduced by Assembly Member Lempert

February 25, 2000

~~An act to amend Section 47605 of the Education Code, relating to charter schools. An act to amend Sections 15268, 15270, and 47605 of the Education Code, relating to education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2659, as amended, Lempert. ~~Charter schools: petitions~~ Education.

~~Existing~~

(1) Existing law, if the "Smaller Classes, Safer Schools and Financial Accountability Act" is passed at the November 7, 2000, general election, authorizes a school district or community college district to pursue the authorization and issuance of bonds by a 55% vote of the electorate and restricts the rate at which property taxes may be levied to service the debt incurred.

This bill would instead prohibit the issuance of the bonds unless the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of an indebtedness incurred by a school district, unified school district, or community college district at a single election

would not exceed a specified amount per year per \$100,000 of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution. The bill would define, for specified purposes, a “general obligation bond.”

(2) Existing law prohibits the governing board of a school district or county board of education from denying a petition for the establishment of a charter school unless it sets forth specific findings, including findings that the petition does not contain reasonably comprehensive descriptions of certain criteria. Existing law authorizes the State Board of Education to grant a petition for the establishment of a charter school when the petition has been submitted to and denied by the governing board of a school district or a county board of education.

This bill would require the State Board of Education to develop criteria to be used for review and approval of charter school petitions presented to the board. The bill would require the board to adopt the criteria on or before June 30, 2001.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds and
2 declares all of the following:

3 (1) Paragraph (1) of subdivision (j) of Section 47605 of
4 the Education Code allows a charter school petitioner to
5 submit a petition for the establishment of a charter school
6 directly to the State Board of Education if the governing
7 board of a school district denies the petition.

8 (2) Under current law, the governing board of a school
9 district or county board of education is prohibited from
10 denying a petition for the establishment of a charter
11 school unless it sets forth specific findings, including
12 findings that the petition does not contain reasonably
13 comprehensive descriptions of certain criteria. Use of the
14 term “reasonably comprehensive” is somewhat
15 subjective and should be defined, consistent with the
16 intent of existing charter school law, and within the



context of a rubric that will be used for the evaluation of charter school petitions under review by the State Board of Education.

(3) In order to ensure implementation of the appeal process established in law, clear criteria must be established for the review and approval of charter petitions.

(b) It is the intent of the Legislature that the State Board of Education shall review a petition for the establishment of a charter school pursuant to subdivision (b) of Section 47605 of the Education Code, which prescribes the reasons why a charter can be denied, provided it makes written factual findings, specific to the particular petition.

SEC. 2. *Section 15268, as added by Chapter 44 of the Statutes of 2000 is amended to read:*

15268. The total amount of bonds issued ~~pursuant to this section and Section 15102~~, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed 1.25 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The *bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred by a school district pursuant to this chapter, at a single election, shall* would not exceed thirty dollars (\$30) per year per one hundred thousand dollars (\$100,000) of taxable property *when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution*. For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987–88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the

1 1987–88 fiscal year, and multiplying that result by the
2 gross assessed value of all unitary and operating
3 nonunitary property of the county on the last equalized
4 assessment roll.

5 SEC. 3. *Section 15270, as added by Chapter 44 of the*
6 *Statutes of 2000, is amended to read:*

7 15270. (a) Notwithstanding Sections 15102 and
8 15268, any unified school district may issue bonds
9 pursuant to this article that, in aggregation with bonds
10 issued pursuant to ~~Section 15106~~ *Chapter 1 (commencing*
11 *with Section 15100)*, may not exceed 2.5 percent of the
12 taxable property of the district as shown by the last
13 equalized assessment of the county or counties in which
14 the district is located. *The bonds may only be issued if the*
15 *tax rate levied to meet the requirements of Section 18 of*
16 *Article XVI of the California Constitution in the case of*
17 *indebtedness incurred pursuant to this chapter at a single*
18 *election, by a unified school district, shall would not*
19 *exceed sixty dollars (\$60) per year per one hundred*
20 *thousand dollars (\$100,000) of taxable property when*
21 *assessed valuation is projected by the district to increase*
22 *in accordance with Article XIII A of the California*
23 *Constitution.*

24 (b) Notwithstanding Sections 15102 and 15268, any
25 community college district may issue bonds pursuant to
26 this article that, in aggregation with bonds issued
27 pursuant to ~~Section 15106~~ *Chapter 1 (commencing with*
28 *Section 15100)*, may not exceed 2.5 percent of the taxable
29 property of the district as shown by the last equalized
30 assessment of the county or counties in which the district
31 is located. *The bonds may only be issued if the tax rate*
32 *levied to meet the requirements of Section 18 of Article*
33 *XVI of the California Constitution in the case of*
34 *indebtedness incurred pursuant to this chapter at a single*
35 *election, by a community college district, shall would not*
36 *exceed twenty-five dollars (\$25) per year per one*
37 *hundred thousand dollars (\$100,000) of taxable property*
38 *when assessed valuation is projected by the district to*
39 *increase in accordance with Article XIII A of the*
40 *California Constitution.*

1 (c) In computing the outstanding bonded
2 indebtedness of any unified school district or community
3 college district for all purposes of this section, any
4 outstanding bonds shall be deemed to have been issued
5 for elementary school purposes, high school purposes,
6 and community college purposes, respectively, in the
7 respective amounts that the proceeds of the sale of those
8 outstanding bonds, excluding any premium and accrued
9 interest received on that sale, were or have been
10 allocated by the governing board of the unified school
11 district or community college district to each of those
12 purposes respectively.

13 (d) For purposes of this section, the taxable property
14 of a district for any fiscal year shall be calculated to
15 include, but not be limited to, the assessed value of all
16 unitary and operating nonunitary property of the district,
17 which shall be derived by dividing the gross assessed
18 value of the unitary and operating nonunitary property
19 within the district for the 1987–88 fiscal year by the gross
20 assessed value of all unitary and operating nonunitary
21 property within the county in which the district is located
22 for the 1987–88 fiscal year, and multiplying the result by
23 the gross assessed value of all unitary and operating
24 nonunitary property of the county on the last equalized
25 assessment roll. In the event of the unification of two or
26 more school districts subsequent to the 1987–88 fiscal
27 year, the assessed value of all unitary and operating
28 nonunitary property of the unified district shall be
29 deemed to be the total of the assessed value of the taxable
30 property of each of the unifying districts as that assessed
31 value would be determined under Section 15268.

32 (e) *For the purposes of this article, “general obligation*
33 *bonds,” as that term is used in Section 18 of Article XVI*
34 *of the California Constitution, means bonds of a school*
35 *district or community college district the repayment of*
36 *which is provided for by this chapter and Chapter 1*
37 *(commencing with Section 15100) of Part 10.*

38 SEC. 4. Section 47605 of the Education Code is
39 amended to read:

1 47605. (a) (1) Except as set forth in paragraph (2),
2 a petition for the establishment of a charter school within
3 any school district may be circulated by any one or more
4 persons seeking to establish the charter school. The
5 petition may be submitted to the governing board of the
6 school district for review after either of the following
7 conditions are met:

8 (A) The petition has been signed by a number of
9 parents or guardians of pupils that is equivalent to at least
10 one-half of the number of pupils that the charter school
11 estimates will enroll in the school for its first year of
12 operation.

13 (B) The petition has been signed by a number of
14 teachers that is equivalent to at least one-half of the
15 number of teachers that the charter school estimates will
16 be employed at the school during its first year of
17 operation.

18 (2) In the case of a petition for the establishment of a
19 charter school through the conversion of an existing
20 public school, that would not be eligible for a loan
21 pursuant to subdivision (b) of Section 41365, the petition
22 may be circulated by any one or more persons seeking to
23 establish the converted charter school. The petition may
24 be submitted to the governing board of the school district
25 for review after the petition has been signed by not less
26 than 50 percent of the permanent status teachers
27 currently employed at the public school to be converted.

28 (3) A petition shall include a prominent statement
29 that a signature on the petition means that the parent or
30 guardian is meaningfully interested in having his or her
31 child, or ward, attend the charter school, or in the case of
32 a teacher's signature, means that the teacher is
33 meaningfully interested in teaching at the charter school.
34 The proposed charter shall be attached to the petition.

35 (b) No later than 30 days after receiving a petition, in
36 accordance with subdivision (a), the governing board of
37 the school district shall hold a public hearing on the
38 provisions of the charter, at which time the governing
39 board of the school district shall consider the level of
40 support for the petition by teachers employed by the

1 district, other employees of the district, and parents.
2 Following review of the petition and the public hearing,
3 the governing board of the school district shall either
4 grant or deny the charter within 60 days of receipt of the
5 petition, provided, however, that the date may be
6 extended by an additional 30 days if both parties agree to
7 the extension. In reviewing petitions for the
8 establishment of charter schools pursuant to this section,
9 the chartering authority shall be guided by the intent of
10 the Legislature that charter schools are and should
11 become an integral part of the California educational
12 system and that establishment of charter schools should
13 be encouraged. A school district governing board shall
14 grant a charter for the operation of a school under this
15 part if it is satisfied that granting the charter is consistent
16 with sound educational practice. The governing board of
17 the school district shall not deny a petition for the
18 establishment of a charter school unless it makes written
19 factual findings, specific to the particular petition, setting
20 forth specific facts to support one or more of the following
21 findings:

22 (1) The charter school presents an unsound
23 educational program for the pupils to be enrolled in the
24 charter school.

25 (2) The petitioners are demonstrably unlikely to
26 successfully implement the program set forth in the
27 petition.

28 (3) The petition does not contain the number of
29 signatures required by subdivision (a).

30 (4) The petition does not contain an affirmation of
31 each of the conditions described in subdivision (d).

32 (5) The petition does not contain reasonably
33 comprehensive descriptions of all of the following:

34 (A) A description of the educational program of the
35 school, designed, among other things, to identify those
36 whom the school is attempting to educate, what it means
37 to be an “educated person” in the 21st century, and how
38 learning best occurs. The goals identified in that program
39 shall include the objective of enabling pupils to become
40 self-motivated, competent, and lifelong learners.

1 (B) The measurable pupil outcomes identified for use
2 by the charter school. “Pupil outcomes,” for purposes of
3 this part, means the extent to which all pupils of the school
4 demonstrate that they have attained the skills,
5 knowledge, and attitudes specified as goals in the school’s
6 educational program.

7 (C) The method by which pupil progress in meeting
8 those pupil outcomes is to be measured.

9 (D) The governance structure of the school,
10 including, but not limited to, the process to be followed
11 by the school to ensure parental involvement.

12 (E) The qualifications to be met by individuals to be
13 employed by the school.

14 (F) The procedures that the school will follow to
15 ensure the health and safety of pupils and staff. These
16 procedures shall include the requirement that each
17 employee of the school furnish the school with a criminal
18 record summary as described in Section 44237.

19 (G) The means by which the school will achieve a
20 racial and ethnic balance among its pupils that is
21 reflective of the general population residing within the
22 territorial jurisdiction of the school district to which the
23 charter petition is submitted.

24 (H) Admission requirements, if applicable.

25 (I) The manner in which annual, independent,
26 financial audits shall be conducted, which shall employ
27 generally accepted accounting principles, and the
28 manner in which audit exceptions and deficiencies shall
29 be resolved to the satisfaction of the chartering authority.

30 (J) The procedures by which pupils can be suspended
31 or expelled.

32 (K) The manner by which staff members of the
33 charter schools will be covered by the State Teachers’
34 Retirement System, the Public Employees’ Retirement
35 System, or federal social security.

36 (L) The public school attendance alternatives for
37 pupils residing within the school district who choose not
38 to attend charter schools.

39 (M) A description of the rights of any employee of the
40 school district upon leaving the employment of the school

1 district to work in a charter school, and of any rights of
2 return to the school district after employment at a charter
3 school.

4 (N) The procedures to be followed by the charter
5 school and the entity granting the charter to resolve
6 disputes relating to provisions of the charter.

7 (O) A declaration whether or not the charter school
8 shall be deemed the exclusive public school employer of
9 the employees of the charter school for the purposes of
10 the Educational Employment Relations Act (Chapter
11 10.7 (commencing with Section 3540) of Division 4 of
12 Title 1 of the Government Code).

13 (c) (1) Charter schools shall meet all statewide
14 standards and conduct the pupil assessments required
15 pursuant to Section 60605 and any other statewide
16 standards authorized in statute or pupil assessments
17 applicable to pupils in noncharter public schools.

18 (2) Charter schools shall on a regular basis consult with
19 their parents and teachers regarding the school's
20 educational programs.

21 (d) (1) In addition to any other requirement imposed
22 under this part, a charter school shall be nonsectarian in
23 its programs, admission policies, employment practices,
24 and all other operations, shall not charge tuition, and shall
25 not discriminate against any pupil on the basis of
26 ethnicity, national origin, gender, or disability. Except as
27 provided in paragraph (2), admission to a charter school
28 shall not be determined according to the place of
29 residence of the pupil, or of his or her parent or guardian,
30 within this state, except that any existing public school
31 converting partially or entirely to a charter school under
32 this part shall adopt and maintain a policy giving
33 admission preference to pupils who reside within the
34 former attendance area of that public school.

35 (2) (A) A charter school shall admit all pupils who
36 wish to attend the school.

37 (B) However, if the number of pupils who wish to
38 attend the charter school exceeds the school's capacity,
39 attendance, except for existing pupils of the charter
40 school, shall be determined by a public random drawing.

1 Preference shall be extended to pupils currently
2 attending the charter school and pupils who reside in the
3 district. Other preferences may be permitted by the
4 chartering authority on an individual school basis and
5 only if consistent with the law.

6 (C) In the event of a drawing, the chartering authority
7 shall make reasonable efforts to accommodate the growth
8 of the charter school and, in no event, shall take any action
9 to impede the charter school from expanding enrollment
10 to meet pupil demand.

11 (e) No governing board of a school district shall
12 require any employee of the school district to be
13 employed in a charter school.

14 (f) No governing board of a school district shall require
15 any pupil enrolled in the school district to attend a charter
16 school.

17 (g) The governing board of a school district shall
18 require that the petitioner or petitioners provide
19 information regarding the proposed operation and
20 potential effects of the school, including, but not limited
21 to, the facilities to be utilized by the school, the manner
22 in which administrative services of the school are to be
23 provided, and potential civil liability effects, if any, upon
24 the school and upon the school district. The petitioner or
25 petitioners shall also be required to provide financial
26 statements that include a proposed first-year operational
27 budget, including startup costs, and cash-flow and
28 financial projections for the first three years of operation.

29 (h) In reviewing petitions for the establishment of
30 charter schools within the school district, the school
31 district governing board shall give preference to petitions
32 that demonstrate the capability to provide
33 comprehensive learning experiences to pupils identified
34 by the petitioner or petitioners as academically low
35 achieving pursuant to the standards established by the
36 State Department of Education under Section 54032.

37 (i) Upon the approval of the petition by the governing
38 board of the school district, the petitioner or petitioners
39 shall provide written notice of that approval, including a
40 copy of the petition, to the State Board of Education.

1 (j) (1) If the governing board of a school district
2 denies a petition, the petitioner may elect to submit the
3 petition for the establishment of a charter school to either
4 the county board of education or directly to the State
5 Board of Education. The county board of education or the
6 State Board of Education, as the case may be, shall review
7 the petition pursuant to subdivision (b). If the petitioner
8 elects to submit a petition for establishment of a charter
9 school to the county board of education and the county
10 board of education denies the petition, the petitioner may
11 file a petition for establishment of a charter school with
12 the State Board of Education.

13 (2) In assuming its role as a chartering agency, the
14 State Board of Education shall develop criteria to be used
15 for the review and approval of charter school petitions
16 presented to the State Board of Education. The criteria
17 shall address all elements required for charter approval,
18 as identified in subdivision (b) of Section 47605 and shall
19 define “reasonably comprehensive” as used in paragraph
20 (5) of subdivision (b) of Section 47605 in a way that is
21 consistent with the intent of the Charter Schools Act of
22 1992. Upon satisfactory completion of the criteria, the
23 State Board of Education shall adopt the criteria on or
24 before June 30, 2001.

25 (3) A charter school for which a charter is granted by
26 either the county board of education or the State Board
27 of Education pursuant to this subdivision shall qualify
28 fully as a charter school for all funding and other purposes
29 of this part.

30 (4) If either the county board of education or the State
31 Board of Education fails to act on a petition within 120
32 days of receipt, the decision of the governing board of the
33 school district, to deny a petition shall, thereafter, be
34 subject to judicial review.

35 (5) The State Board of Education shall adopt
36 regulations implementing this subdivision.

37 (6) Upon the approval of the petition by the county
38 board of education, the petitioner or petitioners shall
39 provide written notice of that approval, including a copy
40 of the petition to the State Board of Education.

1 (k) (1) The State Board of Education may, by mutual
2 agreement, designate its supervisory and oversight
3 responsibilities for a charter school approved by the State
4 Board of Education to any local education agency in the
5 county in which the charter school is located or to the
6 governing board of the school district that first denied the
7 petition.

8 (2) The designated local education agency shall have
9 all monitoring and supervising authority of a chartering
10 agency, including, but not limited to, powers and duties
11 set forth in Section 47607, except the power of revocation,
12 which shall remain with the State Board of Education.

13 (3) A charter school that has been granted its charter
14 by the State Board of Education and elects to seek
15 renewal of its charter shall, prior to expiration of the
16 charter, submit its petition for renewal to the governing
17 board of the school district that initially denied the
18 charter. If the governing board of the school district
19 denies the school's petition for renewal, the school may
20 petition the State Board of Education for renewal of its
21 charter.

22 (l) Teachers in charter schools shall be required to
23 hold a Commission on Teacher Credentialing certificate,
24 permit, or other document equivalent to that which a
25 teacher in other public schools would be required to hold.
26 These documents shall be maintained on file at the
27 charter school and shall be subject to periodic inspection
28 by the chartering authority. It is the intent of the
29 Legislature that charter schools be given flexibility with
30 regard to noncore, noncollege preparatory courses.

